

THE DAILY HERALD

Salt Lake City, - - Utah.

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SUBSCRIBERS will confer a favor by forwarding information to this office when their papers are not duly delivered. This will greatly aid us in our efforts to determine where the fault lies.

THE SUPREME COURT FAIR.

In the Supreme Court, on Friday, was presented another strong argument in favor of what THE HERALD has been appealing for these many years, namely: a fourth district judge. The Supreme Court is composed of the Chief Justice and his two associates, who are judges of the three district courts of the Territory; necessarily every suit that reaches the Supreme Court must be appealed from one of the District Courts, and in reaching an opinion the judge who sat in the court below has a voice equal to that of any other justice in the appellate tribunal; this latter fact is of itself a ridiculous feature, for his honor as district judge has already made up his mind in the matter, and is not going to change his opinion, which would involve self-censure for carelessness or ignorance in the lower court. It is foolishly inconsistent to permit the judge from whose court the appeal is taken to have a voice in deciding on the appeal. One-third of the court is against the appellant from the outset, and litigants know what the influence of that third amounts to.

The *Rudger-Clawson* case, decided on Friday, illustrates the farcical character the Supreme Court as at present constituted. The Chief Justice as judge of the District Court committed the alleged error, from which the appeal was taken to the Supreme Court where the Chief Justice presided in the review of his own actions; he, of course, decided that he was right, and one of the associates who was never known to have an opinion of his own went with him because there was nobody else with whom he could go, the third justice not caring to place himself on record in the matter. A court composed of judges who were interested in the correct interpretation of the law, and who were not already committed to one side in the case would have given an opinion that would at least have had the merit of being free and independent of the lower court. As it is, a Supreme Court opinion is regarded as simply the emphasizing by the judge of his own opinion declared below.

One of these days perhaps Congress will be made to see that the Territorial Supreme Court is largely a farce, serving to delay the execution of the law. It would be as well to abolish the tribunal entirely, permitting appeals direct to the United States Supreme Court from the District Courts in such cases as are now allowed to go up, and as to others making the district judges' decision final. In this way substantial justice would be reached quite as often as now, and delay and expense be avoided. The Territory needs four Supreme Court Justices, or it doesn't need a Supreme Court.

THE DEMOCRATIC members of the California Legislature complimented George Hearst by giving him the nomination for United States Senator. Had the Democrats carried the State last fall Hearst, in all probability, would have received the senatorship, but now his ambition will hardly come nearer to gratification than the complimentary vote cast for him. Utah people generally, and Utah Democrats in particular, have a kindly interest in "Uncle George," to whose confidence and money are largely due the development of the Ontario, the best silver mine in the United States. We would like to see him honored with a governorship, a senatorship or some other high office, but fear that he has adopted the profession of politics too late in life to make a success of it.

JUSTICE EMERSON couldn't endorse the open venire proposition of Chief Zane, but courtesy to a brother judge kept his honor of the First District silent. We can respect Emerson for his opinion, but would respect him more if he had shown the courage to express that opinion for record. Moral cowardice sometimes amounts to a sin.

Two BOSTON papers are lying at their mastheads, "KATE FIELD FOR GOVERNOR OF UTAH." Come on, Katie, darling, and welcome to you. You are not as pretty as some governors that we could mention, but you're a good deal more of a man.

EXTRA white illuminating oil is cheapest because it will not consume so fast. Buy it at G. F. Culmer & Bros.

ANOTHER MONEY BAG SENATOR.

We are glad that the choice for Senator from California has fallen upon ex-Governor Leland Stanford. He is not the ablest man in the State by an overwhelming majority, nor is he the best man for the place by an equally large majority, but the choice seemed to rest between him and ex-Senator Sargent, and we rejoice at the selection. Stanford knows much about raising fine colts, and building and operating railroads in a way to make them most profitable to himself and least beneficial to the public; and he knows very little of statesmanship and less of the integrity and honorable character of a United States Senator; while Sargent is familiar with law-making and statesmanship, but is better acquainted with the tricks and ways of the demagogue. Sargent would have been the shrewd, willing tool of others, and Stanford will openly serve himself. The principal is always preferable to the agent.

It is grievous to think that almost invariably when a Senatorial election occurs in California, the old sham and disgrace are emphasized. Governor Stanford will represent the people in the United States Senate only so far as their interests are his personally. Indeed, it is a stretch of law to call him a citizen of the State, for he has not lived there for years, and only counts it home as hundreds of others do who made their money in California and are spending it in the east. If the people had a voice in the matter, perhaps three to one would be against his election. His money bags made him Senator, and whether or not he paid in cold coin for the office, those who voted for him confidently expect to receive their reward in something more substantial than formal thanks.

However, Sargent has been laid on the shelf, and this fully compensates for the election of Stanford.

WHY?

THE HERALD has been asked why the complaints that are so frequently made now-a-days in the district-attorney's office, varying so in character, some charging bigamy and polygamy, others unlawful cohabitation and still others both offenses, though the accused parties are guilty of polygamy or bigamy, if of anything. Our correspondent should have addressed his inquiry to Mr. Dickson, district attorney. That gentleman, from all appearances, has plenty of time on his hands, and is likely to have if he waits until the omnipresent yet invisible Miss Hughes runs down, captures and lugs into the Commissioner's office one of the formidable array of deputy marshals who are showing themselves such experts in the act of dodging the lady.

If THE HERALD were to suggest an explanation, it would be to the effect that when the attorney thinks he can establish polygamy he charges that offense, and when he is in doubt he charges unlawful cohabitation, and where the doubt amounts almost to a conviction that neither can be proven, he charges both and takes chances on the outcome. The two offenses are set out in the Edmunds law under which the prosecutions are brought, the punishment for polygamy being a fine of not more than \$500 and imprisonment to exceed five years, and that for unlawful cohabitation by \$300 fine and six months' imprisonment. Polygamy or bigamy can only be established by proof of more than one marriage, and that the second or polygamous marriage occurred within three years from the time the prosecution is instituted. The other offense is that of a "male person" cohabiting "with more than one woman," no mention being made of the "marriage relation," and the offense is continuing while the relations continue, the law saying nothing as to the time within which the prosecution must be commenced. This would probably, however, be held to come within the restriction applied to the bringing of actions against a person accused of polygamy; that is to say, a court would doubtless hold that if there had been no cohabitation within three years, the prosecution would be barred by the statutory limitation. When the polygamous marriage took place more than three years ago, and the living together continues, Mr. Dickson is trying prosecutions for "unlawful cohabitation;" otherwise he is charging polygamy or both, in the hope of making one "stick" if the other fails.

For further information on the subject, our correspondent is referred to Mr. Dickson himself.

IS THERE a conspiracy between Miss Hughes and the deputy marshals to help the latter out in the matter of fees? The deputies get pay by the day for attendance on court, and receive mileage for the distance traveled in subpoenaing witnesses. Every time one of them goes to the hospital he charges the government for two miles travel in trying to serve a subpoena. We wouldn't for the world suggest anything improper on the part of Miss Hughes and the deputies, but if this thing keeps up much longer, people will begin to ask if the doctor is not dodging the deputies or the deputies dodging the doctor, for the sake of increasing the fees of the latter. However, if the government treasury can stand it, people here should not complain in these times of money scarcity.

IN THE oath to which Associate Justice Boreman subscribed before going on the bench on Friday, there was no reference to the "marriage relation." It seems almost revolutionary to see oaths minus this prominent feature, and one is led to ask if such an oath is binding upon the subscriber.

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NEW TO-DAY.

WALKER OPERA HOUSE

On SATURDAY, JANUARY 24th, MR. SCOTT ANDERSON Will deliver a LECTURE. Subject: "How I Became a Mormon and Why I Renounced Mormonism."

To commence at 8 o'clock. General admission to defray expenses, 10 cents.

NOTICE.

THE PATRONS OF ZION'S CO-OPERATIVE MERCANTILE INSTITUTION will please remember that the Institution WILL BE CLOSED for the day, THURSDAY, JANUARY 29th, 1885, for usual Semi-annual Stock-taking.

H. S. ELDRIDGE, Superintendent.

Notice to Stockmen.

I AM NOW PREPARED TO RECORD ALL stock Pedigrees, in accordance with the provision made by the Territorial Legislature.

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Train, composed of the Celebrated Buffet and Sleeping Cars, elegant first-class coaches and Emigrant Sleeping Cars, will leave Ogden daily at 9:30 a.m., on arrival of the train from San Francisco and Salt Lake City at 10:30 a.m., making direct connection at Pueblo and Denver, with trains for the East, North and South.

THE PACIFIC EXPRESS

Train from Denver, Pueblo and Eastern points, will arrive in Salt Lake City at 4:30 p.m., and Ogden at 6:10 p.m., making direct connection with the Central Pacific Train for San Francisco and the Pacific Coast.

LOCAL TRAINS

Will leave Salt Lake City for Ogden at 8:05 a.m. Leave Salt Lake City daily for Bingham at 1:35 a.m. Returning, arrive at Salt Lake at 4:35 p.m. Leave Ogden at 5:40 p.m., arriving at Salt Lake at 7 p.m.

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Leaves Salt Lake daily (except Sundays) at 5:30 a.m., arriving at Pleasant Valley Junction at 4:35 p.m. Returning, leaves Pleasant Valley Junction at 7:00 a.m., arriving at Salt Lake at 6:30 p.m.

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